

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

PUCKETT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:23-cv-01143-STA-jay
)	
KAREEM ABDUL JABBAR, <i>et al.</i> ,)	
)	
Defendants.)	

DEFENDANT ETSY INC.’S MOTION TO DISMISS

Defendant Etsy, Inc. (“Etsy”), by and through undersigned counsel, respectfully moves the Court, pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss the Complaint filed by *pro se* Plaintiffs Carl and Marcella Puckett’s (the “Pucketts”), on behalf of their shop on Etsy, “DEVILDOGSTREASURE” (collectively, “Plaintiffs”).

Plaintiffs seek to have this Court hold Etsy liable simply for complying with a facially valid order from a Florida federal district court which restrained Plaintiffs from engaging in counterfeiting and trademark infringement and ordered Etsy to place a temporary hold on Plaintiffs account balance based on a lawsuit filed by unrelated third parties. The Court should dismiss this complaint for two reasons. First, the doctrine of issue preclusion bars Plaintiffs’ ability to relitigate the validity of the order of the United States District Court in the Middle District of Florida. Second, Plaintiffs’ Complaint fails to allege any facts sufficient to support a RICO claim against Etsy. For either or both of those reasons, the Complaint should be dismissed for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6).

WHEREFORE, Etsy respectfully requests that the Court dismiss Plaintiffs’ Complaint

pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief may be granted.

Respectfully submitted,

/s/ Paul E. Prather

Paul E. Prather (TN Bar No. 010089)

Kaitlyn A. Hansen (TN Bar No. 037021)

LITTLER MENDELSON, P.C.

3725 Champion Hills Drive, Suite 3000

Memphis, TN 38125

Email: pprather@littler.com

khansen@littler.com

Attorneys for Defendant Etsy, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and exact copy of the foregoing document has been filed with the Court through the Court's Electronic Case Filing System, and delivered via U.S. Mail, this 4th day of December 2023, upon the following:

Carl Puckett
Marcella Puckett
2170 Old Gardner Road
Martin, TN 38237
(731) 281-4581
Email: xfilesxfilesfan@yahoo.com

/s/ Paul E. Prather _____